

The Gazette of India

EXTRAORDINARY
PUBLISHED BY AUTHORITY

NEW DELHI, WEDNESDAY, AUGUST 27, 1947

GOVERNMENT OF INDIA
LEGISLATIVE DEPARTMENT

New Delhi, the 27th August, 1947

ORDINANCE No. XV OF 1947

AN

ORDINANCE

to provide for the exercise of certain extra-provincial jurisdiction of the Central Government.

WHEREAS by treaty, grant, usage, sufferance and other lawful means, the Central Government has, and may hereafter acquire, jurisdiction in and in relation to areas outside the Provinces of India ;

AND WHEREAS an emergency has arisen which makes it necessary to provide for matters relating to the exercise of the said jurisdiction ;

NOW, THEREFORE, in exercise of the powers conferred by section 42 of the Government of India Act, 1935 (26 Geo. 5, c. 2), as adapted by the India (Provisional Constitution) Order, 1947, the Governor General is pleased to make and promulgate the following Ordinance :—

1. Short title and commencement.—(1) This Ordinance may be called the Extra-Provincial Jurisdiction Ordinance, 1947.

(2) It shall come into force at once.

2. Definitions. In this Ordinance,—

(a) “extra-provincial jurisdiction” means any jurisdiction which by treaty, grant, usage, sufferance or other lawful means, the Central Government has for the time being in or in relation to any area outside the Provinces ,

(b) “jurisdiction” includes rights, power and authority.

3. Exercise of jurisdiction.—(1) It shall be lawful for the Central Government to exercise extra-provincial jurisdiction in such manner as it thinks fit.

(2) The Central Government may delegate any such jurisdiction as aforesaid to any officer or authority in such manner and to such extent as it thinks fit.

4. Power to make orders.—(1) The Central Government may, by notification in the official Gazette, make such orders as may seem to it expedient for the effective exercise of any extra-provincial jurisdiction of the Central Government.

(2) Without prejudice to the generality of the powers conferred by sub-section (1), any order made under that sub-section may provide—

(a) for determining the law and procedure to be observed, whether by applying with or without modifications all or any of the provisions of any enactment in force in any Province or otherwise ;

(b) for determining the persons who are to exercise jurisdiction, either generally or in particular classes of cases, and the powers to be exercised by them ;

(c) for determining the courts, judges, magistrates and authorities by whom, and for regulating the manner in which, any jurisdiction auxiliary or incidental to or consequential on the jurisdiction exercised under this Ordinance is to be exercised in the Provinces ; and

(d) for regulating the amount, collection and application of fees.

5. Validity of acts done in pursuance of jurisdiction.—Every act and thing done in pursuance of any extra-provincial jurisdiction of the Central Government in an area outside the Provinces shall be as valid as if it had been done according to the local law then in force in that area.

6. Evidence as to existence or extent of jurisdiction.—(1) If in any proceeding, civil or criminal, in a Court established in the Provinces or by the authority of the Central Government outside the Provinces, any question arises as to the existence or extent of any extra-provincial jurisdiction of the Central Government, the Secretary to the Government of India in the appropriate department shall, on the application of the Court, send to the Court the decision of the Central Government on the question, and that decision shall for the purposes of the proceedings be final.

(2) The Court shall send to the said Secretary, in a document under the seal of the Court or signed by a judge of the Court, questions framed so as properly to raise the question, and sufficient answers to those questions shall be returned to the Court by the Secretary and those answers shall on production thereof be conclusive evidence of the matters therein contained.

MOUNTBATTEN OF BURMA,

Governor General.

SHAVAX A. LAL,

Secy. to the Govt. of India.